IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8236 OF 2005

Office Note, Office Memoranda of Coram appearance, Corut's orders or directions and Registrar's Orders:	Court's or Judge's Orders

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Mr. R.S. Apte with Mr. R.K. Mendadkar and
H.K. Mandlik, for the petitioner
Mr. C.R. Sonawane, AGP for Respondents.

CORAM: F.I. REBELLO &
MRS. R.S.DALVI, JJ.
DATE : 5TH DECEMBER, 2005

P.C.

. Rule. Heard forthwith.

2. The Committee by its order dated 28th October, 2005 has rejected the claim of the petitioner as belonging to Mahadeo Koli ST. Various contentions have been urged before us. It is not necessary to go into those contentions considering the order to be passed.

3. There are four documents which are pre-Presidential Notification of the same family. Two brothers of the petitioner's father, Tukaram Shivappa Koli and Vithoba Shivappa Koli are shown as Kolis where the petitioner's father and another uncle Baburao Shivappa Koli have been shown as Mahadeo Kolis. All documents are before the Presidential Notification.

4. The Committee thereafter went to the aspect of traditional traits and characteristics. Some of the information given and/or produced by the petitioner was rejected on the ground of it being Bookish. The second finding was recorded that exact relationship of the relatives have not been given. The Committee has also recorded that the petitioner is not aware of Gaon Baras, Waghbaras and other customs and traditions of Mahadeo Koli. In para.3 after distinguishing two judgments relied upon by the petitioner the Committee has also differentiated the two judgments on the ground that the petitioner's affnity was shown towards Mahadeo Koli Scheduled Tribe. This finding, however, has not been recorded while giving a finding on tradition, traits and characteristics though perhaps an inference could be drawn, of tjat was the intention of the Committee. The Committee,however, is the last fact finding Court as there is no appeal against the said finding, as the order can be challenged by way of Writ Petition. The matter pertains to the status of the petitioner and his progeny. In these circumstances we feel that ends of justice will be met if the impugned order is set aside and the matter is remanded back to the Committee for reconsideration after giving the petitioner further opportunity, if he desires so. In the light of that the

following order:-

(i) The impugned order dated 28th October, 2005 is quashed and set aside. The matter is remanded back to the respondent No.2. The petitioner will appear before the Respondent No.2 on 14th December, 2005 at 11.00 a.m. for further directions. It is made clear that the petitioner's employment will be subject to the decision of respondent No.2. The Committee at any rate thereafter to decide the application within four months from the date the petitioner appears before the Committee in terms of the order of this Court. Rule made absolute accordingly. No order as to costs.

. All authorities to act on a copy of this duly authenticated by the office.

(**F.I. REBELLO, J.**)

(**MRS.R.S. DALVI,J.**)